

1 **Camden County Planning Board**

2 **Minutes**

3 **August 15, 2007**

4 **7:00pm**

5 Upstairs Courtroom

6 Camden County Courthouse

7
8 Chairman James Burnham

9 Vice Chairman Rodney Needham

10 Members Terri Griffin, Ray Albertson,

11 Michael Etheridge, Calvin Leary, and John Aydlett

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15 **Call to Order & Welcome**

16
17 Chairman James Burnham called to order the August 15, 2007 meeting at 7:02 PM.

18
19 **Consideration of Agenda**

20
21 Chairman Burnham called for the consideration of the agenda. Mike Etheridge made a
22 motion to approve the agenda. Rodney Needham seconded the motion. The motion was
23 approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members
24 Terri Griffin, Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting
25 aye; none voting no; none absent; none not voting.

26
27 **Consideration of the Minutes- June 20, 2007**

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29 Chairman Burnham called for the consideration of the minutes from the July 18, 2007
30 meeting. Calvin Leary made a motion to approve the minutes from the July 18, 2007
31 meeting as written. Ray Albertson seconded the motion. The motion was approved with
32 Chairman James Burnham, Vice Chairman Rodney Needham, Members Terri Griffin,
33 Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting aye; none
34 voting no; none absent; none not voting.

35
36 **Comments from the Public.**

37
38 1. Dan Porter introduced Amy Barnett, the new secretary for the Planning Department,
39 and new clerk to the Planning Board.

40
41 2. On behalf of the Planning Board, Chairman James Burnham expressed the
42 appreciation of the board to Lori Tuss for outstanding service rendered.

43 **Old Business**

44
45 ***Amendment to Chapter 151 of Camden County code, Wind Turbines***

46
47 Copy of ordinance was included in the board packet for the August meeting. Also, Ted
48 Vogel, the Alternative Energy Officer with Blackwater, was present.
49

50 Dan Porter provided a copy of an email he received related to wind turbines. Dan spoke
51 about the permissible use table, where to allow turbines to be located, which zone. The
52 recommendation before the board is that they be included as an 'as of right' type of use in
53 the GUD and industrial zones, and for larger turbines to require a special use permit to
54 give the Planning Board the ability to place conditions on specific use and location.
55

56 Dan further recommended that if the board considers allowing turbines in residential
57 zones, that a special use permit be required and acreage restrictions be put in place so as
58 to regulate the building of these structures and to prevent haphazard placement by any
59 and all persons who may wish to place these in residential zones.
60

61 Dan recapped the three key issues with regard to wind turbines: (1) height of turbine
62 tower, (2) size threshold cutoff between large and small turbines, and (3) setback
63 requirements.
64

65 Terri Griffin asked if construction of turbines will be inspected in stages as they are being
66 built. Dan Porter responded that those wishing to erect a turbine will have to apply for
67 and obtain a building permit prior to construction. Planning Department will inspect for
68 setbacks and location, but not engineering issues. The engineering report will be relied
69 upon for that.
70

71 Questions were raised regarding dismantling and disposal of turbines. Dan Porter stated
72 that in some cases the manufacturer can suggest plans for and approximate costs
73 regarding dismantling of a wind turbine system. Rodney Needham stated he would like
74 that to be included in the ordinance, that the manufacturer would have to provide plans
75 for how to build the system, how to dismantle the system, and the associated costs.
76

77 Another concern was the amount of time allowed for a dysfunctional system prior to
78 requiring dismantling. The question of 'who is going to police the dismantling
79 requirements' was raised. Dan Porter stated that neighbors would probably start to
80 complain if there was a system in disrepair. Also, Planning Department inspectors ride
81 the county daily and would most likely see a system that has ceased operation.
82

83 Ray Albertson questioned line 100 of the ordinance, regarding the surety bond for
84 removal: 'drop it to ground or dispose of it off site?'. Dan Porter said his interpretation
85 is an off site disposal. Chairman James Burnham agreed and added that the site should
86 be restored to the condition it was in prior to the installation of any wind system.

87 Terri Griffin asked if there was any portion of the ordinance that addressed disclosure of
88 any remnants from the dismantling or disposal of a wind system to a prospective property
89 buyer. Dan Porter responded to this stating that this type of situation would be a civil
90 issue between the buyer and seller, and is not a regulatory issue.

91
92 At this point, Dan Porter introduced the gentleman from Blackwater who was in
93 attendance. Mr. Ted Vogel, Alternative Energy Officer, Blackwater, spoke about towers
94 in other locations and provided some further “real world” insight about these systems and
95 the types of systems that might be used in different kinds of areas. He mentioned that the
96 wind in Camden County is not good enough to support a 300-350 foot tower, so we
97 wouldn’t have to worry about many of these going up. He did say, however, that the
98 smaller “home use” ones are relatively small and can be put up and taken down by 1-3
99 persons about 3 or 4 times in an 8 hour time period.

100
101 Some discussion took place regarding the fall zone and setbacks. After much discussion,
102 the following changes to the ordinance were recommended by the board:

103
104 1.

105 Turbines in residential areas will require a special use permit.

106
107 2.

108 Line 71: Clarify what the term ‘Analysis’ refers to. Dan Porter stated that it is for
109 analysis of wind and ice loading, however Rodney Needham voiced concerns that this
110 still may be too vague.

111
112 3.

113 Line 71: Change the wording to ‘supporting tower’

114
115 4.

116 Line 88: Needs to be changed so as to read ‘other than manufacturer logos, safety, etc.’

117
118 A motion was made by Rodney Needham to send “*Amendment to Chapter 151 of*
119 *Camden County Code, Wind Turbines*”, to the Board of Commissioners, with the
120 recommended changes. The motion was seconded by Mike Etheridge. The motion was
121 approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members
122 Terri Griffin, Ray Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting
123 aye; none voting no; none absent; none not voting.

124 **New Business**

125
126 ***Special Use Permit UDO # 2007-07-26; Tarheel Mats, Inc.***

127
128 Staff presented the finding of facts (see below) and asks for approval with conditions and
129 modifications stated in the finding of facts.
130

131 -----
132 **Findings of Facts**
133 **Special Use Permit**
134 **UDO 2007-07-26**
135 **Tarheel Mats, Inc**
136

- 137 **1. Name of Applicant:** Tarheel Mats, Inc.
138 **2. Agent for Applicant:** Gary Sawyer
139 **3. Address of Agent:** 654 North Highway 343
140 Camden, NC 27921
141 **4. PIN:** 02-8916-00-48-3937
142 **5. Name(s) of Current Owner(s) of Record:** W.L. Sawyer & Gary L. Sawyer
143 **6. Street Address of Property:** 654 North Highway 343
144 **7. Location of Property:** Courthouse Township
145 **8. Flood Zone:** X
146 **9. Zoning District(s):** General Use District (GUD)
147 **10. Is a Zoning Change Required for the Proposed Use?** No.
148 **11. General Description of the Proposal:** Commercial Business – Tarheel Mats
149 (Logging mats and custom sawing)
150 **12. Table of Permissible Use #:** 4.110
151 **13. Date Application Received by County:** July 24, 2007
152 **14. Did the Applicant participate in a pre-application Conference?** Yes
153 **15. Received by:** Dave Parks, Permit Officer
154 **16. Application fee paid:** \$400.00 by check # 5188
155 **17. Completeness of Application:** Application is generally complete.
156 **18. Documents received upon filing application or otherwise included:**
157 A. Land Use/Development Application
158 B. Deed
159 C. GIS Map w/aerial photo
160 D. Proposed Commercial Site Plan
161 E. Photo's (12) of Site
162 **19. Soil Classifications:**
163 **Predominant:** Tomotley (ToA) Severe wetness; percs slowly
164 **Other:** Altavista (Aa) Severe wetness
165 **20. Adjacent Property Uses:**
166 A. **Predominant:** Farm Land
167 B. **Other:** Residential
168 **21. Existing Land Uses:** Business
169 **22. Lots size:** 1.53 acres

170
171 **23. Open Space:**

172 A. Is open space proposed? No.

173 **24. Utilities:**

174 A. Does the application include a letter or certificate from the District Health
175 Department regarding septic tanks? No. Applicant to utilize port-a-john at
176 this time.

177 B. Does the applicant propose the use of public sewage systems? No.

178 C. Does the applicant propose the use of public water systems? Well on site.

179 D. Distance from existing public water supply system: Adjacent to property.

180 E. Is the area within a five-year proposal for the provision of public water?

181 Existing.

182 F. Is the area within a five-year proposal for the provision of public sewage?

183 Yes.

184 **25. Landscaping:**

185 A. Is any buffer/landscaping required? In accordance with Article 151.339 proposed
186 use requires Broken Landscaping Type C. A landscaping composed of
187 intermittent visual obstructions from the ground to a height of at least 20 feet.
188 The broken landscaping is intended to create the impression of a separation of
189 spaces without necessarily eliminating visual contact between the spaces.
190 Composed of a wall, fence, landscaped earth berm, planted vegetation or existing
191 vegetation.

192 **26. Findings Regarding Additional Requirements:**

193 A. **Endangering the public health and safety:** Due to location adjacent to
194 Highway 343, caution sign's stating "Logging Trucks entering and exiting
195 highway" shall be posted by the business north and south from the business.

196 B. **Injure the value of adjoining or abutting property:** The application does not
197 appear to injure the value of adjoining or abutting property.

198 C. **Harmony with the area in which it is located:** Yes.

199 D. **Conformity with the Plans:**

200 1. **Land Use Plan:** Yes. Policies 22 & 23 states Camden County supports
201 industrial development located adjacent to major thoroughfares and that are
202 accessible to county water and sewer services.

203 2. **Thoroughfare Plan:** Property abuts North Highway 343.

204 3. **Other plans officially adopted by the Board of Commissioners:**
205 None

206 E. **Will not exceed the county's ability to provide public facilities:**

207 1. **Schools:** Proposed development will have no impact on schools.

208 2. **Fire and Rescue:** No.

209 3. **Law Enforcement:** No.

210 **Other County Facilities:** None.

211 F. **Other:** None.

Staff recommends approval with the following conditions and modifications as proposed development is consistent with the Land Use Plan and meets all requirements of the Code of Ordinances.

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the plans approved by the Board of Commissioners of Camden County, North Carolina, and contained in the file titled UDO 2007-07-26.
3. Applicant shall obtain a building permit from the Planning Office for the Office Building within five (5) business days from date of approval.
4. Applicant shall coordinate with NCDOT in posting caution signs referring to "Logging Trucks entering/existing highway" along North and South Highway 343 within 500 feet of property.
5. All storage and display of goods shall be kept fully concealed from view of Highway 343.
6. Hours of operations shall be limited to Monday – Saturday from 7:30 A.M. to 5:30 P.M.
7. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

With regard to condition # 3, Mr. Sawyer had questions regarding the building permit requirement, J&W Farms built the office there, and the building permit is going to be in J&W Farms' name, not Tarheel Mats. J&W Farms and Tarheel Mats will both be using the building, but Tarheel Mats has a lease agreement to operate there. Mr. Sawyer asked whose name the permit should be in? Dan Porter stated that there are building code issues that need to be addressed by the owner of the property, hence the need for building permit... The building was built without a permit... There was some discussion on whose name the building permit should be in since J&W Farms owns the property. Tarheel Mats is the Lessee not the owner. The consensus was that the property owner needs to obtain the building permit in order for inspections to be performed on the building.

With regard to condition # 5, Mr. Sawyer has asked to be allowed to store (display) just enough there to be able to ship out. Another concern he had was that if people he sold to rode by and didn't see product displayed, they might conclude falsely that he didn't have any product to sell or that he wasn't in business and would take their business elsewhere. This requirement can be construed as placing a hardship on his business if this is the case. Mr. Sawyer would like to display at least 4 stacks of mats out front. Dan Porter stated that landscaping is required by code. Landscaping is required between properties and land boundaries, but not road frontages. This is to keep in harmony with the surrounding area. Mr. Sawyer agreed to put some landscaping on his property, but voiced concerns because he is "running out of room".

255 With regard to condition # 6, Mr. Sawyer presented the board with a petition: He went to
256 every adjoining land owner and asked if the hours were a problem, noise and etcetera.
257 His general hours are from 8-5, but “if somebody comes in at 6 am or something, most of
258 the loggers are going to be there first thing because they want to be to the work site by 7
259 am or come late in the afternoon.” In his petition, he words the scheduling of his excess
260 hours as “on a need to be basis due to unavoidable circumstances.”

261
262 Mike Etheridge asked how long Tarheel Mats has been in business. Mr. Sawyer replied
263 that he has been in business for 5 years. Mr. Etheridge further asked if in that time have
264 there been any complaints from the surrounding neighbors due to noise? Mr. Sawyer
265 said there have been no complaints that he is aware of.

266
267 JW Sawyer (owner of J&W Farms) spoke about J&W Farms who shares the office
268 building with Tarheel Mats. He stated that J&W Farms will have trucks starting up all
269 hours of the night. These are 2 different corporations, so if a truck starts up, it is most
270 likely at J&W Farms, not Tarheel Mats.

271
272 After further discussion, Calvin Leary made a motion to approve the SUP with the
273 following stipulations to the Staff Recommendations:

274
275 1.

276 Item 3: Tarheel Mats not be required to obtain the building permit, but
277 one must be obtained by the owner of the property.

278
279 2.

280 Item 4: Signage. NCDOT shall have approval or denial of putting the
281 signs out.

282
283 3.

284 Item 5: Storage and display of goods shall be limited as indicated by
285 applicant with minimal landscaping. Excess debris shall be removed.

286
287 4.

288 Item 6: Hours of operations shall be Monday - Saturday 7:30 am - 5:30
289 pm, and on a need to be basis due to unavoidable circumstances.

290
291 The motion was seconded by Mike Etheridge. The motion was approved with Chairman
292 James Burnham, Vice Chairman Rodney Needham, Members Terri Griffin, Ray
293 Albertson, Michael Etheridge, Calvin Leary, and John Aydlett voting aye; none voting
294 no; none absent; none not voting.

295 **Information from Board and Staff**

296
297 1.
298 Meeting with the Planning Board and the Board of Commissioners to discuss the future
299 of development in Camden County. Meeting will be held in the historic courtroom
300 because of the recording capabilities, 6:00 pm August 20, 2007. Dinner will be provided.

301
302 2.
303 Articles from staff were presented as FYI

304
305 **Consider Date of Next Meeting – September 19, 2007**

306
307
308 **Adjournment**

309
310 At 8:36 PM, Calvin Leary made a motion to adjourn the meeting. Ray Albertson
311 seconded the motion. The motion was approved with Chairman James Burnham, Vice
312 Chairman Rodney Needham, Members Terri Griffin, Ray Albertson, Michael Etheridge,
313 Calvin Leary, and John Aydlett voting aye; none voting no; none absent; none not voting.

314
315
316 Date: _____

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319 Approved: _____
320 Chairman James Burnham

321
322
323 Attested: _____